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2 **So Ordered.**



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*Patricia C. Williams*  
Patricia C. Williams  
Bankruptcy Judge

**Dated: August 21st, 2013**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re:

DC No. 11-CV-363-RMP

LLS AMERICA, LLC,

Case No. 09-06194-PCW11

Debtor(s).

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC,

Adversary No. 11-80296-PCW11

Plaintiff(s),

vs.

REPORT AND RECOMMENDATION  
RE: PLAINTIFF'S MOTION FOR  
ENTRY OF DEFAULT JUDGMENT  
AGAINST DEFENDANT 473513 BC,  
LTD. (ECF NO. 528)

267406 BC, LTD., et al.,

Defendant(s).

The Honorable Patricia C. Williams, sitting in the United States Bankruptcy Court for the Eastern District of Washington, hereby files this Report and Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against Defendant 473513 BC, Ltd. (ECF No. 528) filed with the bankruptcy court in this adversary proceeding.

1        This Report and Recommendation is made pursuant to the Honorable Rosanna  
2 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy  
3 Court for Further Proceedings entered on April 25, 2012 (ECF No. 32) in district court  
4 case No. 11-CV-363-RMP.

5        The recommendation is that plaintiff's Motion for Entry of Default Judgment  
6 Against Defendant 473513 BC, Ltd. (ECF No. 528) be granted and the attached  
7 Default Judgment be entered in this adversary proceeding. The basis for this  
8 recommendation is that an Order of Default was entered by the bankruptcy court on  
9 July 17, 2013 (ECF No. 473).

10                    ///END OF REPORT AND RECOMMENDATION///

Shelley N. Ripley, WSBA No. 28901  
Daniel J. Gibbons, WSBA No. 33036  
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Attorneys to Bruce P. Kriegman, Chapter 11 Trustee

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

In Re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America LLC,

Plaintiff,

v.

267406 BC, LTD., et al.,

Defendants.

US District Case No. 11-CV-363-RMP

Bankruptcy No. 09-06194-PCW11

Adversary No. 11-80296-PCW 11

DEFAULT JUDGMENT AGAINST  
DEFENDANT 473513 BC, LTD.

**JUDGMENT SUMMARY**

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the  
Liquidating Trustee under the Confirmed Plan of  
the Debtor

Attorneys for Witherspoon Kelley  
Judgment Creditor:

DEFAULT JUDGMENT- 1

{S0746609; 1 }



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Attorneys & Counselors

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Judgment Debtor: 473513 BC, Ltd.

Principal Amount of Judgment: \$27,642.00 CAD  
\$ 250.00 US

Interest on Judgment: Weekly Average of One-Year Constant Maturity (nominal) treasury yield as published by the Federal Reserve System (28 USC § 1961)

This Court having previously entered an Order of Default against Defendant 473513 BC, Ltd. (Adv. Doc. No. 473), and having reviewed the previously filed Memorandum of Authorities (Adv. Doc. No. 457) and Affidavit of Curtis Frye (Adv. Doc. No. 458), and the Affidavit of Shelley N. Ripley in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC, shall have a judgment against the Defendant 473513 BC, Ltd., as follows:

1. Monetary Judgment in the amount of CAD \$27,642.00, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;

2. Transfers in the amount of CAD \$27,642.00 made to the Defendant within four years prior to the Petition Filing Date are hereby avoided and Plaintiff

DEFAULT JUDGMENT- 2

{S0746609; 1 }



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1 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,  
2 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

3 3. All said transfers to Defendant 473513 BC, Ltd. are hereby set aside  
4 and Plaintiff shall be entitled to recover the same, or the value thereof, from  
5 Defendant 473513 BC, Ltd. for the benefit of the estate of LLS America, pursuant  
6 to 11 U.S.C. §§ 544, 550 and 551;  
7

8 4. A constructive trust is hereby established over the proceeds of all  
9 transfers in favor of the Trustee for the benefit of the estate of LLS America; and  
10

11 5. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of  
12 \$250.00 USD, for a total judgment of CAD \$27,642.00, plus \$250 USD, which  
13 shall bear interest equal to the weekly average of one-year constant maturity  
14 (nominal) treasury yield as published by the Federal Reserve System.  
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17 Entered this \_\_\_\_ day of \_\_\_\_\_, 2013.  
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21  
22 HONORABLE ROSANNA PETERSON

23 *Presented by:*

24 WITHERSPOON • KELLEY

25 s/ Shelley N. Ripley

26 Shelley N. Ripley, WSBA No. 28901

27 Daniel J. Gibbons, WSBA No. 33036

28 Attorneys for Bruce Kriegman, Chapter 11 Trustee

DEFAULT JUDGMENT- 3

{S0746609; 1 }



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